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| 09/869,420      | 06/27/2001  | Yasushi Ayaki        | MTS-3263 US         | 2673             |

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EXAMINER

FLETCHER, JAMES A

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 02/17/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/869,420

Applicant(s)

AYAKI, YASUSHI

Examiner

James A. Fletcher

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2 and 5</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Winter et al (5,884,042).

**Regarding claim 1**, Winter et al disclose a data recording/reproducing apparatus comprising:

- recording area setting means of setting a plurality of logical recording areas in a recording medium which is for recording and reproducing data (Col 4, lines 2-8 “a data memory device...and a control device for designating a main portion of the data memory device...the control device also designating a buffer portion on the data memory device”); and
- file management means which refers to free area management information, which is for managing a free area capacity for each one of the recording areas, recording file management information, which is for managing a file to be recorded for each one of the recording areas, and deletion files selecting criteria information, which is for selecting a file to be deleted for each one of the recording areas, and executes management of the files (Col 41, lines 55-56 “it is then determined whether the disk or disks available for video data

storage are full" and lines 65-66 "then the file index list is reset and storage proceeds at the 'beginning' of the hard disk"),

- being characterized in that for writing of new data in a predetermined recording area, when the file management means judges that a free area for writing the new data is insufficient with reference to the free area management information, the file management means, referring to the deletion file selecting criteria information, deletes a portion of all of at least one file which is recorded in the predetermined recording area and does not execute an operation for writing the new data (Col 42, lines 21-25 "a new portion of the hard disk may be assigned for use as the ring buffer, with the portion of the hard-disk previously assigned to use as a ring buffer having been made a part of the permanent storage portion in order to preserve the video data recorded in the pre-alarm buffer prior to the detection of the alarm condition").

**Regarding claim 2,** Winter et al disclose a data recording/reproducing apparatus characterized in that when not executing writing of the new data, the file management means notifies to outside that writing of the new data is not executed (Col 41, lines 59-63 "it is determined whether the video data storage disk or disks are being employed in a ring mode. If not, then the video storage software component sends a message to the system director indicating that the end of the storage capacity has been reached"), and accepts an instruction in response to the notification from outside (Col 14, lines 8-10 "a

host computer which provides support functions and downloadable software resources to the IVIM systems”).

**Regarding claim 3**, Winter et al disclose a data recording/reproducing apparatus characterized in comprising deletion file selecting criteria information setting means which is for a user to set up the deletion file selecting criteria information for each one of the recording areas (Col 42, lines 21-25 “a new portion of the hard disk may be assigned for use as the ring buffer, with the portion of the hard-disk previously assigned to use as a ring buffer having been made a part of the permanent storage portion in order to preserve the video data recorded in the pre-alarm buffer prior to the detection of the alarm condition” and Col 14, lines 8-10 “a host computer which provides support functions and downloadable software resources to the IVIM systems”)

**Regarding claim 4**, Winter et al disclose a data recording/reproducing apparatus characterized in that the files are grouped in accordance with a predetermined criteria, the file management means, when deleting a portion of all of at least one file which is recorded in the predetermined recording are, deletes the file which is to be deleted as well as other files which belong to the same group as the file which is to be deleted (Col 40, lines 26-29 “The video data...complies with the Microsoft .AVI...standard” and lines 35-38 “The data corresponding to the streams of incoming video signals are stored interleaved together in the form of fixed length files” and Col 41, lines 46-48 “the process stores in a currently open file on the hard disk the next ‘chunk’ of video data intended for quasi-permanent data storage” and lines 53-55 “the process determines whether the end of the current file has been reached” and lines 55-56 “it is then

determined whether the disk or disks available for video data storage are full” and lines 65-66 “then the file index list is reset and storage proceeds at the ‘beginning’ of the hard disk”).

**Regarding claim 5**, Winter et al disclose a data recording/reproducing apparatus characterized in that a classification of the data which are to be written is different for each one of the recording area (Col 4, lines 2-8 “a data memory device...and a control device for designating a main portion of the data memory device...the control device also designating a buffer portion on the data memory device”), and the data recording/reproducing apparatus comprises data classification information setting means which is for a user to set up (Col 14, lines 8-10 “a host computer which provides support functions and downloadable software resources to the IVIM systems”), for each one of the recording area, data classification information which is for setting up a classification of data which are to be written (Col 4, lines 2-8 “a data memory device...and a control device for designating a main portion of the data memory device...the control device also designating a buffer portion on the data memory device”).

**Regarding claim 6**, Winter et al disclose a medium which is characterized in that it can be handled with a computer and characterized in carrying a program which is for executing, with a computer, functions of a data recording/reproducing apparatus (Col 14, lines 27-31 “The local nodes 514 are preferably implemented using standard personal computer hardware and software”).

**Regarding claim 7**, Winter et al disclose a program which is characterized in that it is a program for executing, with a computer, functions of a data recording/reproducing apparatus (Col 14, lines 28-31 "standard personal computer hardware and software, augmented with novel software capabilities")

**Regarding claim 8**, Winter et al disclose a method of managing data in a recording/reproducing apparatus comprising the steps of:

(a) partitioning the recording medium into a plurality of recording areas, each having a predetermined storage capacity, in which each area defines a predetermined type of data (Col 4, lines 4-8 "a control device for designating a main portion of the data memory device...the control device also designating a buffer portion on the data memory device");

(b) assigning a deletion criteria for each of the respective areas defined in step (a) (Col 41, lines 55-56 "it is then determined whether the disk or disks available for video data storage are full" and lines 65-66 "then the file index list is reset and storage proceeds at the 'beginning' of the hard disk");

(c) storing a data file of a predetermined type of data in a respective one of the areas defined in step (a) (Col 5, lines 40-42 "a method of storing video information, including the steps of recording plural fields of video data on a recording medium");

(d) determining storage capacity available for the defined area storing the first data file stored in step (c) (Col 41, lines 55-56 "it is then determined whether the disk or disks available for video data storage are full");

(e) providing another data file of the predetermined type of data for storage in the defined area storing the first data file stored in step (c) (Col 41, lines 57-58 "another video data file is opened on the disk or disks"); and

(f) deleting the data file stored in step (c) if (i) the predetermined storage capacity available for the one area is smaller than an amount of data required to store the second data file and (ii) the deletion criteria satisfies the deletion criteria assigned in step (b) (Col 41, lines 65-66 "then the file index list is reset and storage proceeds at the 'beginning' of the hard disk").

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only).**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).




Application/Control Number: 09/869,420  
Art Unit: 2615

Page 8

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF  
February 7, 2004

  
VINCENT BOCCIO  
PRIMARY EXAMINER